

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

JOSHUA BUSBY,	)	Case No.
	)	
Plaintiff,	)	
	)	COMPLAINT,
	)	DEMAND FOR JURY TRIAL
Vs.	)	
	)	
MIDLANDS PACKAGING	)	
CORPORATION,	)	
	)	
Defendant.	)	

COMES NOW the Plaintiff, by and through his attorney, and for his causes of action against the Defendant states as follows:

1. This is an action seeking redress for the violation of the rights guaranteed to the plaintiff by the Nebraska Fair Employment Practices Act, Title VII of the Civil Rights Act of 1964, as amended, and 42 U.S.C Section 1981.

2. Jurisdiction of this Court is invoked pursuant to the state laws set forth herein. This court has original jurisdiction over the state claims and concurrent jurisdiction of the federal law claims.

3. At all times relevant, the plaintiff was a resident of the State of Nebraska.

4. At all times relevant, Defendant was a foreign corporation licensed to do business and was doing business in Omaha, Douglas County, Nebraska. The Defendant is an employer as defined by the statutes set forth above.

5. Plaintiff fulfilled his administrative prerequisites to filing the instant action.

6. Plaintiff's race is African American, and his color is black.

<p><b>EXHIBIT</b></p> <p><b>A</b></p>
---------------------------------------

7. In August 2017, Plaintiff was hired by Defendant as a Quality Assurance Inspector.

8. Plaintiff was repeatedly subjected to harassment based on his race.

9. On or around January 2021, a second shift employee whose name is unknown, told the Plaintiff he wishes that the Plaintiff would put on antlers and run through a field so he could shoot the Plaintiff.

10. On or around June 2021, Plaintiff was harassed by multiple coworkers. These employees started joking that they were never able to find Plaintiff around the facility. Plaintiff noticed that they were watching him and conducting surveillance on Plaintiff for management regarding his breaks. They would then report to the production supervisor.

11. On or about June 2021, the Plaintiff was harassed by an employee. This employee harassed the Plaintiff regarding the music he was playing, he told the Plaintiff the music needed to be turned off and that the music was “trash”. The employee also proceeded to refer to the Plaintiff using racial slurs. This harassment occurred several times per week.

12. On or about June 2021, the Plaintiff issued a complaint to human resources, stating that he had been subjected to racial harassment.

13. On or about July 2021, Plaintiff followed up with human resources regarding the complaint he filed.

14. On or about July 2021, Plaintiff filed a complaint with the plant manager, stating that he had been subjected to racial harassment.

15. On or about August 1<sup>st</sup>, 2021, the Plaintiff verbally complained to his supervisor, stating that he had been subjected to racial harassment.

16. On or about August 2, 2021, the Plaintiff was discharged.

17. Another employee, a white man, had previously been reprimanded for creating a hostile work environment but was not terminated.

18. Plaintiff's job performance was satisfactory.

19. Plaintiff was subjected to adverse terms, conditions, and privileges of employment due to his race and/or color and/or in retaliation for engaging in one or more protected activities.

20. As a result of the Defendant's unlawful actions, Plaintiff has sustained lost wages and the value of job-related benefits, complete loss of coverage under COBRA and will incur future lost wages and the value of job-related benefits into the future. Plaintiff has also sustained compensatory damages as a result of the Defendant's unlawful conduct.

21. All of the aforementioned illegal acts and conduct were done while the Defendant's employees, officers, and/or directors were acting in the scope and course of their employment with the Defendant.

22. Defendant's conduct was willful and/or reckless. Punitive damages are appropriate.

#### COUNT I

Plaintiff incorporates paragraphs 1 through 18 as if fully set forth herein.

23. Plaintiff's race and/or color was a motivating factor in the Defendant's decision to subject the Plaintiff to adverse terms, conditions, or privileges of employment, including, but not limited to terminating his employment, making offensive racial comments, subjecting the Plaintiff to different reprimands than similarly situated white employees, and other discriminatory acts set forth herein and as to be revealed in discovery. Said conduct is violative

of the Nebraska Fair Employment Practices Act, Title VII of the Civil Rights Act (as amended), and 42 U.S.C. Section 1981.

24. As a direct, proximate result of Defendant's aforementioned illegal conduct, Plaintiff has suffered compensatory damages, lost wages, the value of job-related benefits and Plaintiff will continue to incur said damages into the future.

25. Due to Defendant's willful and/or reckless conduct, punitive damages are appropriate under federal law.

## COUNT II

Plaintiff incorporates paragraphs 1 through 21 as if fully set forth herein.

26. After Plaintiff engaged in one or more protected activities, Defendant retaliated against Plaintiff by terminating his employment. Said conduct is violative of the Nebraska Fair Employment Practices Act, Title VII of the Civil Rights Act (as amended), and 42 U.S.C. Section 1981.

27. As a direct, proximate result of Defendant's aforementioned illegal conduct, Plaintiff has suffered compensatory damages, lost wages, the value of job-related benefits and Plaintiff will continue to incur said damages into the future.

28. Due to Defendant's willful and/or reckless conduct, punitive damages are appropriate under federal law.

## COUNT III

Plaintiff incorporates paragraphs 1 through 24 as if fully set forth herein.

29. The racially offensive comments and conduct Plaintiff was subjected to by Defendant was sufficiently patterned and/or pervasive to create a hostile working environment.

30. As a direct, proximate result of Defendant's aforementioned illegal conduct, Plaintiff has suffered and will continue to suffer compensatory damages.

31. Due to Defendant's willful and/or reckless conduct, punitive damages are appropriate under federal law.

**WHEREFORE**, Plaintiff respectfully requests that this Court assume jurisdiction herein as to all counts alleged herein and grant the following relief:

a. Declare the conduct of the Defendant to be violative of the rights of the Plaintiff under the appropriate state or federal laws;

b. Direct the Defendant to reinstate the plaintiff to the position which he held with all back pay, all the job-related benefits and job-related increments to which he is entitled, including interest thereon, or to find that reinstatement is not appropriate and to award him back pay and front pay according to law;


c. Award the Plaintiff compensatory damages for pain, suffering, inconvenience, humiliation and emotional distress in an amount to be determined by the jury;

d. Award the Plaintiff punitive damages under federal law;

e. Enjoin the Defendant from any further discrimination or retaliation against the Plaintiff;

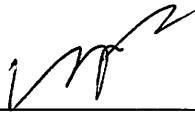
f. Award the Plaintiff costs and reasonable attorney's fees and such other and further relief as the Court deems just and reasonable and appropriate to correct the wrong done to him.

JOSHUA BUSBY, Plaintiff

  
\_\_\_\_\_  
Vincent M. Powers #15866  
POWERS LAW  
411 South 13<sup>th</sup> Street, Suite 300  
PO Box 84936  
Lincoln, NE 68501-4936  
402/474-8000  
[Powerslaw@me.com](mailto:Powerslaw@me.com)

REQUEST FOR JURY TRIAL

Plaintiff requests jury trial to be held in Lincoln, Lancaster County,  
Nebraska.

  
\_\_\_\_\_

## IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

JOSHUA BUSBY,	)	CASE NO.
	)	
Plaintiff,	)	
	)	PRAECIPE
v.	)	
	)	
MIDLANDS PACKAGING	)	
CORPORATION,	)	
	)	
Defendant.	)	

To the Clerk of Said Court:

Please issue a summons in the above captioned matter and return the same to Plaintiff's attorney for service upon the Defendant by certified mail:

Midlands Packaging Corporation  
c/o Patrick D. Timmer, Registered Agent  
5825 South 14<sup>th</sup> Street, Suite 200  
Lincoln, NE 68512

JOSHUA BUSBY, Plaintiff,

/s/ Vincent M. Powers

Vincent M. Powers #15866

POWERS LAW

411 South 13<sup>th</sup> Street, Suite 300

PO Box 84936

Lincoln, NE 68501-4936

402/474-8000

powerslaw@me.com

Image ID:  
D00664779D02

**SUMMONS**

Doc. No. 664779

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA  
575 S. 10th Street - 3rd Floor  
SEPARATE JUVENILE COURT-4th Floor  
Lincoln NE 68508

Joshua Busby v. Midlands Packaging Corporation

Case ID: CI 22 3260

TO: Midlands Packaging Corporation

**FILED BY**

Clerk of the Lancaster District Court  
09/22/2022

You have been sued by the following plaintiff(s):

Joshua Busby

Plaintiff's Attorney: Vincent M Powers  
Address: 411 S 13th St Ste 300  
P.O. 84936  
Lincoln, NE 68501-4936  
Telephone: (402) 474-8000

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Nebraska Supreme Court Rule 2-208 requires individuals involved in a case who are not attorneys and representing themselves to provide their email address to the court in order to receive notice by email from the court about the case. Complete and return the attached form to the court if representing yourself.

Date: SEPTEMBER 22, 2022 BY THE COURT:

*Trey Z. Link*  
Clerk





Image ID:  
D00664779D02

**SUMMONS**

Doc. No. 664779

PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE  
COMPLAINT/PETITION ON:

Midlands Packaging Corporation  
% Patrick Timmer-Registered Agent  
5825 S 14th St, Ste 200  
Lincoln, NE 68512

Method of service: Certified Mail

You are directed to make such service within ten days after the date of issue,  
and file with the court clerk proof of service within ten days after the signed  
receipt is received or is available electronically, whichever occurs first.

**SERVICE RETURN**

Doc. No. 664779

LANCASTER DISTRICT COURT  
575 S. 10th Street - 3rd Floor  
SEPARATE JUVENILE COURT-4th Floor  
Lincoln NE 68508

To:

Case ID: CI 22 3260 Busby v. Midlands Packaging Corporation

Received this Summons on \_\_\_\_\_, \_\_\_\_\_. I hereby certify that on  
\_\_\_\_\_, \_\_\_\_ at \_\_\_\_\_ o'clock \_\_M. I served copies of the Summons  
upon the party:

by \_\_\_\_\_

as required by Nebraska state law.

Service and return \$ \_\_\_\_\_

Copy \_\_\_\_\_

Mileage \_\_\_\_miles \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

Date: \_\_\_\_\_ BY: \_\_\_\_\_  
(Sheriff or authorized person)

**CERTIFIED MAIL  
PROOF OF SERVICE**

Copies of the Summons were mailed by certified mail,  
TO THE PARTY: \_\_\_\_\_

At the following address: \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_, as required by Nebraska state law.

Postage \$ \_\_\_\_\_ Attorney for: \_\_\_\_\_

The return receipt for mailing to the party was signed on \_\_\_\_\_, \_\_\_\_\_.

To: Midlands Packaging Corporation  
% Patrick Timmer-Registered Agent  
5825 S 14th St, Ste 200  
Lincoln, NE 68512

From: Vincent M Powers  
411 S 13th St Ste 300  
P.O. 84936  
Lincoln, NE 68501-4936

**ATTACH RETURN RECEIPT & RETURN TO COURT**

## IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

JOSHUA BUSBY,	)	CASE NO. CI22-3260
	)	
Plaintiff,	)	
	)	ALIAS PRAECIPE
v.	)	
	)	
MIDLANDS PACKAGING	)	
CORPORATION,	)	
	)	
Defendant.	)	

To the Clerk of Said Court:

Please issue a summons in the above captioned matter and return the same to Plaintiff's attorney for service upon the Defendant by certified mail:

Midlands Packaging Corporation  
c/o Patrick D. Timmer, Registered Agent  
5825 South 14<sup>th</sup> Street, Suite 200  
Lincoln, NE 68512

JOSHUA BUSBY, Plaintiff,



---

Vincent M. Powers #15866  
POWERS LAW  
411 South 13<sup>th</sup> Street, Suite 300  
PO Box 84936  
Lincoln, NE 68501-4936  
402/474-8000  
powerslaw@me.com

## Certificate of Service

I hereby certify that on Thursday, October 20, 2022 I provided a true and correct copy of the Praecipe-Summons/Alias to the following:

Signature: /s/ Powers,Vincent,M (Bar Number: 15866)

Image ID:  
D00667425D02

**SUMMONS**

Doc. No. 667425

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA  
575 S. 10th Street - 3rd Floor  
SEPARATE JUVENILE COURT-4th Floor  
Lincoln NE 68508

Joshua Busby v. Midlands Packaging Corporation

Case ID: CI 22 3260

TO: Midlands Packaging Corporation

**FILED BY**

Clerk of the Lancaster District Court  
10/20/2022

You have been sued by the following plaintiff(s):

Joshua Busby

Plaintiff's Attorney: Vincent M Powers  
Address: 411 S 13th St Ste 300  
P.O. 84936  
Lincoln, NE 68501-4936  
Telephone: (402) 474-8000

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Nebraska Supreme Court Rule 2-208 requires individuals involved in a case who are not attorneys and representing themselves to provide their email address to the court in order to receive notice by email from the court about the case. Complete and return the attached form to the court if representing yourself.

Date: OCTOBER 20, 2022

BY THE COURT:

*Trey Z. Link*  
Clerk



Image ID:  
D00667425D02

**SUMMONS**

Doc. No. 667425

PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE  
COMPLAINT/PETITION ON:

Midlands Packaging Corporation  
% Patrick D.Timmer,Registered Agent  
5825 South 14th Street ste 200  
Lincoln, NE 68512

Method of service: Certified Mail

You are directed to make such service within ten days after the date of issue,  
and file with the court clerk proof of service within ten days after the signed  
receipt is received or is available electronically, whichever occurs first.

**SERVICE RETURN**

Doc. No. 667425

LANCASTER DISTRICT COURT  
575 S. 10th Street - 3rd Floor  
SEPARATE JUVENILE COURT-4th Floor  
Lincoln NE 68508

To:

Case ID: CI 22 3260 Busby v. Midlands Packaging Corporation

Received this Summons on \_\_\_\_\_, \_\_\_\_\_. I hereby certify that on  
\_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_M. I served copies of the Summons  
upon the party:

by \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

as required by Nebraska state law.

Service and return \$ \_\_\_\_\_

Copy \_\_\_\_\_

Mileage \_\_\_\_miles \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

Date: \_\_\_\_\_ BY: \_\_\_\_\_  
(Sheriff or authorized person)

**CERTIFIED MAIL  
PROOF OF SERVICE**

Copies of the Summons were mailed by certified mail,  
TO THE PARTY: \_\_\_\_\_

At the following address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_, as required by Nebraska state law.

Postage \$ \_\_\_\_\_ Attorney for: \_\_\_\_\_

The return receipt for mailing to the party was signed on \_\_\_\_\_, \_\_\_\_\_.

To: Midlands Packaging Corporation  
% Patrick D.Timmer, Registered Agent  
5825 South 14th Street ste 200  
Lincoln, NE 68512

From: Vincent M Powers  
411 S 13th St Ste 300  
P.O. 84936  
Lincoln, NE 68501-4936

**ATTACH RETURN RECEIPT & RETURN TO COURT**



## SERVICE RETURN

Case Number: D02CI220003260

Transaction ID: 0019082690

Filing Date: 11/01/2022 02:18:38 PM CDT

LANCASTER DISTRICT COURT  
575 S. 10th Street - 3rd Floor  
SEPARATE JUVENILE COURT-4th Floor  
Lincoln NE 68508

To:

Case ID: CI 22 3260 Busby v. Midlands Packaging Corporation

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to:</p> <p>Patrick D. Timmer, Reg Agent Midlands Packaging Corp. 5825 South 14, #200 Lincoln NE 68512</p> <p>2. Article Number (Transfer from service label)</p> <p>7020 3160 0001 4117 9820</p>		<p>A. Signature</p> <p>X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p><i>Timmer</i></p> <p>C. Date of Delivery</p> <p><i>10/16/2022</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail (over \$500)</p>		<p>PS Form 3811, July 2020 PSN 7530-02-000-9053</p> <p>BY: <i>[Signature]</i> Domestic Return Receipt</p>	

Date: \_\_\_\_\_ BY: \_\_\_\_\_ (Sheriff or authorized person)

### CERTIFIED MAIL PROOF OF SERVICE

Copies of the Summons were mailed by certified mail  
TO THE PARTY: *Patrick D. Timmer, Reg Agent*

At the following address: *Midlands Packaging Corp.*

*5825 South 14, #200, Lincoln  
NE 68512*

on the *24th* day of *October* *2022*, as required by Nebraska state law.

Postage \$ *8.06*

Attorney for: *Joshua Busby, Plaintiff*

The return receipt for mailing to the party was signed on *October 26, 2022*

To: Midlands Packaging Corporation  
% Patrick D. Timmer, Registered Agent  
5825 South 14th Street ste 200  
Lincoln, NE 68512

From: Vincent M Powers  
411 S 13th St Ste 300  
P.O. 84936  
Lincoln, NE 68501-4936

# ATTACH RETURN RECEIPT & RETURN TO COURT



## Certificate of Service

I hereby certify that on Tuesday, November 01, 2022 I provided a true and correct copy of the Return-Summons/Alias Summons to the following:

Signature: /s/ Powers,Vincent,M (Bar Number: 15866)